

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**June 9, 2004**

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Mayor David Dermer  
Vice-Mayor Saul Gross  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

- PA1 Certificates of Completion/Community Emergency Response Team (CERT) Participants.
- PA2 Certificates of Appreciation/Armor Security Guards, Saving a Woman from Drowning.
- PA3 Certificates of Appreciation/City Staff, Goodwill Ambassadors for Memorial Day Weekend.
- PA4 Certificates of Appreciation/M-DC Community Relations, Helping w/ Goodwill Ambassador Program.
- PA5 Certificates of Appreciation/Ralph Choeff, Years of Service on the Design Review Board. (Dermer)
- PA6 Certificates of Appreciation/Faith-Based Agencies/Organizations, Helping the Homeless.
- PA7 **New Item:** Commemorative Plaques/North Beach Youth Center Oversight Committee Members.
- PA8 **New Item:** Presentation/Commissioner Bower, Miami-Dade County Mosaic Initiative Award.
  
- C2A Request for Approval, Purchase Several Vehicles, \$134,940.15.
- C2B Issue RFP, Select Auctioneer to Sell City-Owned Property at 2620 Biarritz Drive.
- C2C Request of Approval, Upgrade City's 911 Public Safety Answering Position System, \$96,479.99.
  
- C4A Ref: Neighborhood/Community Affairs Committee - Outdoor Advertising. (Cruz)
- C4B Ref: Finance & Citywide Projects Committee - Sidewalk Cafes Ordinance.
- C4C Ref: Neighborhood/Community Affairs Committee - Newspaper Racks Ordinance.
  
- C6A Report: Finance & Citywide Projects Committee Meeting of May 19, 2004.
  
- C7A Elect Commissioner Richard Steinberg as Vice-Mayor, July 1 - October 31, 2004.
- C7B Approve Increase to the Community Benefit Fund Surcharge on Tickets Sold at TOPA.
- C7C Execute a Parking Lease Agreement w/ NMMA Boat Show for Preferred Parking Lot.
- C7D Ratify Contract, Supply/Install Curtains, Seating, Carpeting, etc. for Byron Carlyle Theater.
- C7E Ratify Contract, Pressure Clean, Seal, & Waterproof Exterior Walls at Byron Carlyle Theater.
- C7F Adopt/Appropriate, 2<sup>nd</sup> Budget Amendment to Police Special Revenue Account FY 2003/04.
- C7G Adopt/Appropriate, 3<sup>rd</sup> Amendment to Police Confiscation Trust Fund Budget FY 2003/04.
- C7H Execute: Interlocal Agmt w/ MPO; JPA w/ FDOT; & RFQ for BODR (16<sup>th</sup> Street Project).
- C7I Issue Certifications of Consistency, Douglas Gardens Community Mental Health Center.
- C7J Issue Certifications of Consistency, Neighborhood Services Dept. of Homeless Coordination.

**REGULAR AGENDA**

- R5A     **10:15 a.m. 2<sup>nd</sup> Rdg**, Amend the City's Art in Public Places Legislation.  
 R5B     **10:30 a.m. 2<sup>nd</sup> Rdg**, Amend "Contract Procedures," City Manager's Approval of Purchases.  
 R5C     **10:40 a.m. 2<sup>nd</sup> Rdg**, Amend "Occupational License Tax," Define Habitual Conduct.  
 R5D     **1<sup>st</sup> Rdg**, Amend "Human Relations," Add Definition for "Gender." (Garcia)
- R6A     Verbal Report: Finance & Citywide Projects Committee Meeting of June 1, 2004.
- R7A     Establish a Maximum Schedule of User Rates for Miami Beach Golf Club.  
 R7B     **10:45 a.m.** Accept Certification of Default, Normandy Park Pool Facility Construction.  
 R7C     Appropriate Funds/Execute Contract Change Order, Install Light Fixtures - Washington Ave.  
 R7D     Negotiate/Authorize Renewal with Humana, Group Medical Insurance for Employees.  
 R7E     Approve Liens Settlement, Property at 928 Pennsylvania Avenue.  
 R7F     **11:00 a.m.** Authorize MB Quality of Life/Resort Tax Funding, Improvements in North Beach.  
 R7G     **10:20 a.m.** Execute Release of an Easement Agreement for the Crown Hotel. (Smith)
- R9A     Board and Committee Appointments.  
 R9A1    Appointment of (2) Citizens At-Large to the Board of Adjustment.  
 R9A2    Nominate Carl Linder to the Board of Adjustment. (Garcia)  
 R9A3    Nominate Abraham Galbut to the Health Advisory Board. (Cruz)  
 R9A4    Appoint (1) Citizen to the Planning Board.  
 R9B1    **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2    **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C     **2:00 p.m.** Disc. Sister Cities Resolutions: Nahariya, Israel & Fortaleza, Brazil. (Dermer)  
 R9D     Disc. Status of Examination of Concurrency Policies in CMB. (Steinberg)  
 R9E     **Noon Break**, Committee of the Whole Meeting re: Mayor & City Commission Budget.  
 R9F     Disc. Current Status of Island Gardens Project Proposed on Watson Island.  
 R9G     Disc. (4) CMB Appointments to the Bay Link Advisory Committee.
- R10A    **Noon Break**, Executive Session: CMB vs. Miami-Dade County, Micky Biss & USA Espresso, Inc.  
 R10B    **Noon Break**, Executive Session: Communications Workers of America (CWA).  
 R10C    **Noon Break**, Executive Session: Da Mortgage, Inc. vs. CMB.  
 R10D    **Noon Break**, Executive Session: West Side Partners vs. CMB.

**REPORTS AND INFORMATIONAL ITEMS**

- A        City Attorney's Status Report.  
 B        Parking Status Report.  
 C        Status Report on Fire Station No. 2.  
 D        Status Report on Fire Station No. 4.  
 E        Informational Report on Federal, State, County and All Existing City Contracts.

Meeting called to order at 9:22:15 a.m.

Invocation given by Rabbi Solomon Schiff from The Jewish Federation.

Pledge of Allegiance led by Chief De Lucca.

**Times based on the digital recording in the City Clerk's Office**

Mayor Dermer requested a moment of silence in memory of the death of former President Ronald Reagan.

Addendum items: C2C, C7I, C7J, R7G, R10C, and R10D.

**ACTION:** Motion made by Commissioner Smith to add Addendum items as emergency items, by 5/7 vote, to the agenda; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Commissioners Bower and

Garcia.

Supplemental Materials:

C7G (Memorandum and Resolution), R7B (Resolution).

**PA - Presentations and Awards**

**9:28:06 a.m.**

- PA1 Certificates Of Completion To Be Presented To Participants Of The City Of Miami Beach Community Emergency Response Team (CERT).  
(Neighborhood Services)

**ACTION:** Certificates presented to Sandra Breiterman, Gordon Loader, Eddy Ramos, Madeline Morales, Karen Miller, Charles Batten, Geoffrey Taylor, Vera H., Azenha (also Leadership Academy Alumni), Angel Valle, Gregory Toomer, Eric Rivera, Harry Frazier, Charles Hunnicutt, Patrick Pecoraro, Ray Breslin, Maria Rojas, Chuck Collado, Caroline Lloyd, Jimmy DeGlace, Ron Hirschel, Moises Villasuso, Patricia Piraino, Maurice Barrero, Ramiro Martinez, and Solange Oscar.

Jorge Gonzalez, City Manager, stated that the City has currently over 130 CERT trained members to help if the community is in an emergency.

**9:25:13 a.m.**

- PA2 Certificates Of Appreciation To Be Presented To Felix Lopez And Abdier Sandiago, Armor Security Guards, For Their Heroic Efforts In Saving The Life Of A Woman Who Nearly Drowned.  
(Fire Department)

**ACTION:** Certificates presented.

Vince Andreano, Captain of Beach Patrol, spoke.  
Abdier Sandiago and Felix Lopez spoke.

**9:37:31 a.m.**

- PA3 Certificates Of Appreciation To Be Presented To City Staff Who Served As Goodwill Ambassadors During The 2004 Memorial Day Holiday Weekend.  
(City Manager's Office)

**ACTION:** Certificates presented to Gladys Acosta, Bob Anderson, William Arnold, Phil Azan, John Benincase, Efren Blanc, Mercedes Borges, Leslie Butler, Mark Coolidge, Jose Cruz, Dominique Diambois, Ramon Duenas, Georgie Eckert, Irene Ginori, Ramiro Inguanzo, Gus Lopez, Richard McConachie, Arturo Marten, Manny Marques, Beatriz Munoz, John Oldenburg, Juan Rodriguez, Leslie Rosenfeld, Joseph Simmons, Kevin Smith, Raul Soria, Ramon Suarez, Beverly Wade-Allen, David Weberman, Shaya Eberman, Paul Yavis, Richard Zuech, Max Sklar, and Jorge Chartrand.

Jorge Gonzalez, City Manager, stated that this demonstrates the level of commitment from the City of Miami Beach employees for volunteering at least eight hours of service. He added that Dominique Diambois volunteered over forty hours; she was there every night.

**9:30:32 a.m.**

- PA4 Certificate Of Appreciation To Be Presented To The Miami-Dade County Office Of Community Relations For All Their Efforts In Helping To Coordinate The Goodwill Ambassador Program During The 2004 Memorial Day Holiday Weekend.  
(City Manager's Office)

**ACTION:** Certificate presented.

Special recognition given to Reverend Willie Sims and Gene Hitchens.

Mayor Dermer thanked everyone from the Miami-Dade County Office of Community Relations for an outstanding job. He stated that this is an appropriate time to commend Jorge Gonzalez, City Manager and the entire staff, Christina Cuervo, Assistant City Manager, Police Chief Don De Lucca, and everyone involved with the Memorial Day Weekend. He stated this was an extraordinarily smooth Memorial Day weekend; there were no problems at all. He stated that this is the third event and for the last two there have been little or no incidents. He is very proud to say that the City of Miami Beach had done a good job. He stated that the City is very fortunate for this experience.

Jorge Gonzalez, City Manager, stated that The Herald Editorial Board commended the City for the extraordinary effort during Memorial Day Weekend. He paraphrased what the Herald said that it has almost become routine, the City has done well and others can learn from us. He explained that the great effort is in the comprehensive planning; this is a combined effort with Miami-Dade County, the City of Miami and other municipalities that contributed in different ways. He continued saying that Miami-Dade in particular contributed in many ways; Rev. Willie Sims and Larry Capp were instrumental in making sure that the weekend went without problems. The Goodwill Ambassador Program has become a model for other communities. He stated that Rev. Willie Sims spent many hours on the streets, and also recognized Larry Capp, Miami-Dade County Director of the Office of Community Relations, and thanked them both for their contributions. He also recognized Assistant City Manager Christina Cuervo, Police Chief Don De Lucca and the entire staff for their hard work.

Larry Capp and Reverend Willie Sims spoke.

**9:39:55 a.m.**

- PA5 Certificate Of Appreciation To Be Presented To Ralph Choeff, For Years Of Service On The Design Review Board.  
(Requested by Mayor David Dermer)

**ACTION:** Item deferred. Mayor Dermer will send the Certificate of Appreciation to Mr. Choeff.

**9:40:20 a.m.**

PA6 Certificates Of Appreciation To Be Presented To Faith-Based Agencies And/Or Organizations Working On Behalf Of The Homeless In Our City.  
(Committee on the Homeless)

**ACTION:** Certificates presented to Project Hope Miami Beach, Temple Beth Shalom, St. Patrick's Church, St. Joseph's Church, and Asambleas Misioneras Elim.

Marjorie York, member of the Committee on the Homeless, stated that this year the Committee is reaching out to the community and under the guidance of Maria Ruiz they are doing much more. One of the Committee's ideas was to send a survey to the Faith Based organizations to see just what they are doing for the homeless. There has been a lot of participation at the meetings and she is pleased that the City Commission is honoring these individuals.

Mayor Dermer thanked Ms. York for her hard work and thanked the great institutions in the City.

Pastor Pedro Martinez, President of HOPE (Homeless Overcoming Poverty Effectively) in Miami Beach spoke.

**9:44:02 a.m.** (Byron Carlyle Theater comments)

Mayor Dermer announced that yesterday was the ribbon cutting ceremony at the Byron Carlyle Theater. He commended Brad Judd, Property Management Director, and his staff; Jorge Gonzalez, City Manager, the Cultural Art Council, and everyone involved in the project. He stated that Commissioner Jose Smith must be recognized for his contributions to the project. Commissioner Smith encouraged the City Commission years ago to make sure that this project was done. He stated that Commissioner Smith has been active on this project for over ten years along with Joe Fontana, Chairman of the North Beach Youth Center Oversight Committee. A special thanks to all of the people involved.

Commissioner Smith thanked Mayor Dermer for his kind remarks and stated that this would have never happened without the cooperation and support of his colleagues on the City Commission and Mayor Dermer in particular. He recalled that in 1994 when Joe Fontana asked him to serve on the Youth Center Committee, trying to find a location for the Youth Center, along with convincing the City Administration and the City Commission was a tremendous challenge. He stated that the location and the funding were accomplished due Citywide support, and there were residents in South Beach who volunteered to give up the funds that were allocated to South Shore Park, and federal funding, along with other sources of funding. He invited everyone to visit this beautiful facility. He stated that the Byron Carlyle almost became a drug store when the City, with the support of the residents, decided to make it a cultural facility for the North Beach area and now it is a catalyst for future economic development. He thinks this will be great for the entire community.

**9:48:26 a.m.****New Item:**

PA7 Commemorative Plaques/North Beach Youth Center Oversight Committee Members.  
(Parks and Recreation Department)

**ACTION:**

Jorge Gonzalez, City Manager, stated that this is a great time for North Beach and everyone should be proud of the accomplishments there. He stated that this Commission has fulfilled its promise and demonstrated its commitment to the North Beach community by opening a state-of-the-art youth center, and the Byron Carlyle Theatre, which has been beautifully restored into a fully functional theatre house. He stated that everyone should be proud of this. He also commended Brad Judd and gave him special recognition for making sure that this was accomplished in spite of the many challenges. For the Youth Center, he commended Joe Fontana, Tim Hemstreet, Capital Improvement Projects Director, Robert Middaugh, Assistant City Manager, and Kevin Smith, Parks and Recreation Director, who made it possible. Everyone should be proud of this facility and he is proud to be here to see it happen. He appreciated everyone's commitment and support.

A video of the opening of the North Beach Youth Center was shown.

A video montage of photos showing the Byron Carlyle Theater before and after construction was shown.

Mayor Dermer gave a special recognition to Ron Francis, Media Specialist, for the video.

The North Beach Youth Center Oversight Committee presented the plaques to Kevin Smith and Joe Fontana. They thanked the City Manager and staff for their incredible accomplishments as a City Manager.

Joe Fontana spoke.

Jerry Libbin spoke.

Luis Arias from Team Job Corps gave a token of appreciation to Jorge Gonzalez, City Manager, Bob Middaugh, Assistant City Manager, Kevin Smith, Parks and Recreation Director, Julio Magrisso, Assistant Parks and Recreation Director, Tim Hemstreet, Capital Improvement Projects Director, Ken Walensky, Ted Berman, Joe Fontana, Mike Thompson, Deborah Ruggiero, Margarita Cepeda, Marty Hyman and the members of the City Commission. A special recognition was made to families that contributed to this project.

Kevin Smith, Parks and Recreation Department Director, spoke.

**New Item****10:10:23 a.m.**

Ms. Kathryn Haynes, Executive Director of the Housing Authority of the City of Miami Beach, gave an oral report.

Mayor Dermer stated that the City Commission is very proud that the Housing Authority has gone from probation to accreditation.

**Handout or Reference Material**

1. Faxed letter from Ms. Kathryn Haynes, Executive Director of the Housing Authority of the City of Miami Beach, to CMB Commissioners, Mayor David Dermer and HACOMB Commissioners, dated June 10, 2004, RE: June 10<sup>th</sup> HACOMB Press Release

**New Item****10:14:11 a.m.**

Mayor Dermer stated that retired Miami Beach Police Sgt. Carl Fisher recently passed away. He stated that Sgt. Carl Fisher is the father of Miami Beach lifeguard Joe Fisher and extended condolences to the Fisher family.

**New Item****10:15:11 a.m.**

Mayor Dermer welcomed Alexander Scheuermann, Stefan Salen, and Jorg Baier, intern students from Germany.

**10:08:43 a.m.****New Item:**

PA8 Presentation to Commissioner Matti Bower from Miami-Dade County Mosaic Initiative Award.  
(Committee on the Homeless)

**ACTION:** Presentation made.

Marjorie York, member of the Committee on the Homeless, explained that through the efforts of Commissioner Bower a series of dialogues on diversity were held last year which were beneficial to the community. On behalf of "Many Voices – One Community" this award is presented to Commissioner Bower for sharing their vision.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Steinberg to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia.

**C2 - Competitive Bid Reports****10:17:30 a.m.**

- C2A Request For Approval To Purchase Six (6) 2004 Ford Taurus Vehicles And One (1) 2004 Ford Crown Victoria From Duval Ford, In The Amount Of \$99,841; One (1) 2004 Chevrolet Impala From Garber Chevrolet, In The Amount Of \$16,702.15; And One (1) 2004 Ford F-150 4x4 Pick Up From Orville Beckford Ford, In The Amount Of \$18,397, Pursuant To Florida State Contract No. 03-11-0825.  
(Fleet Management)

**ACTION:** Award authorized. Item separated for discussion by Commissioner Steinberg. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Drew Terpak to handle.

Commissioner Steinberg stated that with the rising price of gas the Administration should be buying fuel efficient cars. He suggested sending the issue to a committee to decide on fuel efficient cars and to set up a policy for buying cars.

Drew Terpak, Director of Fleet Management Division, stated that when the request for Ford Taurus for the Building Department Section Chiefs, a cost analysis done showed that the difference on the purchasing costs between the Taurus and the Cavalier is about \$1,278 initially. A review was made of the average miles driven in the City for seven years, and the average cost per mile (based at \$2.00 per gallons); the increased cost between the two vehicles is only \$98 a year. He explained that at the end of the life of the vehicle when they are auctioned off, the Taurus will bring a much higher price. He stated that the City will come out ahead (if not even) by buying the Ford Taurus.

- C2B Request For Approval To Issue A Request For Proposals (RFP) For The Selection Of An Auctioneer To Sell To The Highest Bidder, City-Owned Property Located At 2620 Biarritz Drive, Miami Beach, Florida.  
(City Manager's Office/Procurement)

**ACTION:** Award authorized. Christina Cuervo to handle. Gus Lopez to issue RFP.

**ADDENDUM ITEM:**

- C2C Request For Approval To Amend The Bellsouth Master Agreement In Order To Upgrade The City's Existing 911 Public Safety Answering Position System In The Amount Of \$96,479.99.  
(Information Technology)

**ACTION:** Award authorized. Patricia Walker to handle.

Commissioner Steinberg initially separated this item; however, he stated that the Administration answered his question and the item was approved via the Consent Agenda.



**C4 - Commission Committee Assignments****10:39:21 a.m.**

C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Sarmiento Outdoor Advertising.

(Requested by Commissioner Simon Cruz)

**ACTION: Referred.** Item separated for discussion by Mayor Dermer. Motion made by Commissioner Cruz to refer this item with the two issues which need to be resolved; one, any kind of exclusivity for advertising citywide; and two, to help the artist come to a conclusion of what he can and cannot do; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Vivian Guzman to place on the committee agenda. **Legal Department to handle.**

Mayor Dermer, referencing the letter on page 15 of the Agenda, stated that "...it was discovered that Clear Channel has a 15-year exclusive outdoor advertising contract in the City of Miami Beach. This causes Sarmiento (Sarmiento Outdoor Advertising) to decide that this City would not be a good test location because of potential legal problems."

Commissioner Cruz stated that Sarmiento wanted to do an artistic showcasing of individuals in the community which would be displayed throughout the community. Unfortunately this seems to be in conflict with the Clear Channel contract.

Jorge Gonzalez, City Manager, stated that he will need to go back and look at the details of the contract. From a straight advertising perspective Clear Channel has the exclusive right to advertising as part of the bus shelter contract. He stated that it appears that what the artist is trying to do is not advertising but recognizing sponsorship. **Fred Beckmann and the Legal Department to research.**

Commissioner Steinberg, regarding the sponsorship issue, asked how the current contract would limit the ability of the City to have a sponsor donate a baseball scoreboard to the City and have the sponsor's name on the scoreboard.

Jorge Gonzalez, City Manager, stated that Legal Department needs to opine, however, there is a difference between advertising and corporate sponsorship.

Donald M. Papy, Chief Deputy City Attorney, stated that the Legal Department will research. **Legal Department to handle.**

Commissioner Smith stated that it was never his understanding that the contract with Clear Channel for Lincoln Road would create any kind of exclusivity for advertising citywide. If this is the case, then the City needs to revisit the terms of the contract and look for an escape clause. If Clear Channel is under the opinion that this is an exclusive contract, then the contract should be terminated because that was not the intent of the Commission. He requested a legal opinion as soon as possible. **Legal Department to handle.**

Mayor Dermer requested that the legal opinion be part of the Committee discussion.

Commissioner Bower stated that there are two issues which need to be addressed; one, the legal aspects, and two, to help the artist come to a conclusion of what he can and cannot do.

Max Sklar, Assistant Director of Tourism & Cultural Development Department, gave an overview of the process which has been followed.

City Clerk's retrieval aid: Michael Steinbacher, Photography Exhibit

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding An Ordinance Revising The Regulation And Administration Of Sidewalk Cafes.  
(City Manager's Office)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Fred Beckmann to handle.

**10:23:00 p.m.**

- C4C Referral To The Neighborhood/Community Affairs Committee - An Ordinance Revising The Regulation And Administration Of Newspaper Racks.  
(Public Works)

**ACTION: Item sent back to the group to discuss modular news racks.** Item separated for discussion by Mayor Dermer. Fred Beckmann to handle.

Andrew Stark, Publisher of the Sun Post, Don Louser, Miami Herald, and Russell Breiter, Miami New Times, introduced themselves.

Mr. Stark stated that the newspaper industry, with citizens of Miami Beach, the City Administration, and some community organizations spent the last four months coming to a consensus on a new newspaper rack ordinance. The issues of modular news racks were not part of the discussions; however, the Administration wants to introduce them at this time.

Jorge Gonzalez, City Manager, stated that this agenda item is a referral to the Neighborhood/Community Affairs Committee so the Committee can discuss this issue and the entire ordinance.

Motion made by Commissioner Bower to refer the item without the modular news racks; seconded by Commissioner Smith.

Discussion continued.

Vice-Mayor Gross suggested sending the issue of modular news racks back to the group for discussion.

**C6 - Commission Committee Reports**

C6A Report Of The Finance And Citywide Projects Committee Meeting Of May 19, 2004: **1)** Discussion Regarding The Sale Of Waterfront Property Located At 2620 Biarritz Drive, Miami Beach, Florida; **2)** A Resolution Authorizing The Mayor And City Clerk To Approve New Rental Rates As Proposed For The Miami Beach Convention Center, Effective October 1, 2004 For New Business And To Be Implemented As Negotiated With Existing Clients; **3)** Discussion Regarding The Development And Use Of The Parking Lot And Associated Landscaping Improvements Adjacent To The Shane Watersports Center As It Relates To That Certain Second Amended And Related/Consolidated Lease Agreement With Miami Beach Watersports Center, Inc. As Lessee, For The City-Owned Property Located At 6500 Indian Creek Drive, Miami Beach, Florida; **4)** Discussion Regarding The March 9, 2004 Voter Approved Charter Amendment Requiring That The City Commission Consider The Long Term Economic Impact (At Least Five Years) Of Legislative Acts.

**ACTION:****Item 1.**

The Committee instructed the Administration to establish criteria for and prepare a Request for Proposals (RFP) for a Professional Real Estate Auctioneer for the sale of the waterfront property located at 2620 Biarritz Drive, and to include in the RFP a minimum bid requirement for the proposed auction. See Agenda item C2B.

**Item 2.**

The Committee approved the proposed rental rates and referred the item to the May 26, 2004 City of Miami Beach Commission Meeting.

The Committee further recommended that, consistent with City Resolution 2003-25299, adopted on July 30, 2003, whenever an increase in the Consumer Price Index (CPI) reaches five percent from the time the new rates are adopted, a review of the rental rates will be presented to the Convention Center Advisory Board for its advisory recommendation before coming to the Commission as required by the Resolution. See Agenda item R7A.

**Item 3.**

The Committee instructed the Administration to research the options available in regards to the parking situation at the Shane Watersports Center and to discuss alternatives regarding the landscaping improvements with representatives from the Center. **Saul Frances to handle.**

**Item 4.**

The Committee directed the Administration to continue providing fiscal impact statements consistent with what was described in the voter packages distributed during the voter approved long-term economic impact Charter amendment. Additionally the Committee stated that the Commission should continue to consider the long-term local economic impact of legislative acts.

**C7 - Resolutions**

- C7A A Resolution Electing Commissioner Richard L. Steinberg As Vice-Mayor For A Term Commencing On July 1, 2004, And Terminating On October 31, 2004, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

**ACTION: Resolution No. 2004-25582 adopted.** Robert Parcher to handle.

- C7B A Resolution Approving An Increase To The Community Benefit Fund Surcharge On Tickets Sold At The Jackie Gleason Theater Of The Performing Arts (TOPA) From \$1.00 To \$1.50, And Reducing The Subsidy Percentage Paid From The Community Benefit Fund On Senior And Student Discounted Tickets From 80% To Approximately 71%.

(Convention Center)

**ACTION: Resolution No. 2004-25583 adopted.** Doug Tober to handle.

- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Parking Lease Agreement With The National Marine Manufacturers Association (NMMA) Boat Show For The Preferred Parking Lot, And Related Areas; Said Lease For Specific Dates In February 2005, 2006, 2007, And 2008, Respectively, And Running Concurrently With The NMMA Boat Show Lease Agreement For The Miami Beach Convention Center.

(Parking Department)

**ACTION: Resolution No. 2004-25584 adopted.** Saul Frances to handle.

- C7D A Resolution Ratifying A Contract In The Amount Of \$167,749 To Nutech Engineering Systems, Inc., For The Supply And Installation Of Theater Curtains, Theater Seating, Aisle Carpeting, Aisle Lighting, Hard Wall Finishes, Sound System, And All Associated Materials And Equipment In The Byron Carlyle Theater.

(Public Works)

**ACTION: Resolution No. 2004-25585 adopted.**

- C7E A Resolution Ratifying A Contract, In The Amount Of \$49,745, To Laumar Roofing Services, Inc., To Provide For Pressure Cleaning, Preparation And Sealing Of Existing Cracks, And To Apply Waterproof Elastomeric Coatings/Paint To The Exterior Walls Of The Byron Carlyle Theater.

(Public Works)

**ACTION: Resolution No. 2004-25586 adopted.**

- C7F A Resolution Adopting And Appropriating The Second Budget Amendment To The Police Special Revenue Account For Fiscal Year 2003/04 In The Amount Of \$12,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.

(Police Department)

**ACTION: Resolution No. 2004-25587 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

**SUPPLEMENTAL MATERIAL – (Memorandum and Resolution):**

C7G A Resolution Adopting And Appropriating The Third Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2003/04 In The Amount Of \$26,900 To Be Funded From The Proceeds Of State (\$ ) And Federal Justice (\$ ) Confiscated Funds.  
(Police Department)

**(Memorandum and Resolution to be Submitted in Supplemental)**

**ACTION: Resolution No. 2004-25588 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

C7H A Joint Participation Agreement With FDOT; An Interlocal Agreement With The Metropolitan Planning Organization: Authorization For An RFQ For The Preparation Of BODR And Design Services For 16<sup>th</sup> Street Operational Improvements Project.

1. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The Miami-Dade County Metropolitan Planning Organization (MPO) And The City Of Miami Beach, In The Amount Of \$75,000, For The Preparation Of A Master Plan/Basis Of Design Report (BODR) For A 16th Street Operational Improvements/Enhancement Project; The Funding Split Being \$45,000 In MPO's Municipal Grant Program Funds, And \$30,000 In Concurrency Mitigation Program/South Beach Funds, As Previously Appropriated By Resolution No. 2002-24907, Dated June 19, 2002; And Further Authorizing The Advancement Of \$45,000 In City Funds For Subsequent Reimbursement By The MPO Grant Funds.

**ACTION: Resolution No. 2004-25589 adopted.** Fred Beckmann to handle.

2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Joint Participation Agreement With The Florida Department Of Transportation (FDOT), In The Amount Of \$120,000, For Preparation Of Final Design Plans For A 16th Street Operational Improvements/Enhancement Project; The Funding Split Being \$100,000 In FDOT's Transportation Outreach Program (TOP) Funds And \$20,000 In Concurrency Mitigation/South Beach (CM/SOBE) Funds, As Previously Appropriated By Resolution No. 2001-24587, Dated September 20, 2001; Authorizing The Appropriation Of An Additional \$70,000 In CM/SOBE Funds As Needed To Cover The Estimated \$190,000 Final Design Cost; And Further Authorizing The Advancement Of \$100,000 In City Funds, For Subsequent Reimbursement By The Top Grant Funds.

**ACTION: Resolution No. 2004-25590 adopted.** Patricia Walker to appropriate the funds. Fred Beckmann to handle.

3. A Resolution Authorizing The Administration To Issue Requests For Qualifications (RFQ) From Professional Planning And Engineering Firms Interested In Providing Phase I - Master Plan / Basis Of Design Report (BODR) And Phase II - Final Design Services For A Proposed Sixteenth Street Operational Improvements And Enhancement Project.  
(Public Works)

**ACTION: Resolution No. 2004-25591 adopted.** Fred Beckmann to handle. Gus Lopez to issue the RFQ.

**ADDENDUM ITEM:**

- C7I A Resolution Approving And Authorizing The City Manager To Issue Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) To Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach; To Continue Providing Case Management Services And Transitional Housing To Victims Of Domestic Violence Who Have Become Homeless; To Continue To Operate And Enhance A Scattered Site Housing Program; And To Continue To Provide Supportive Services For Formerly Homeless Persons In Miami Beach.  
(Neighborhood Services)

**ACTION: Resolution No. 2004-25592 adopted.** Vivian Guzman to handle.

**ADDENDUM ITEM:**

- C7J A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach.  
(Neighborhood Services)

**ACTION: Resolution No. 2004-25593 adopted.** Vivian Guzman to handle.

**End of Consent Agenda****REGULAR AGENDA****R5 - Ordinances**

**10:47:56 a.m.**

- R5A An Ordinance Amending The City's Art In Public Places Legislation, As Codified In Chapter 82, Article VII, Divisions 1 Through 4, Sections 82-501 Through 82-612, Of The Code Of The City Miami Beach, Florida; Providing For Codification; Repealer; Severability; And An Effective Date. **10:15 a.m.**  
**Second Reading, Public Hearing.**  
(Tourism & Cultural Development)  
(Continued from May 26, 2004)

**ACTION: Public Hearing held. Ordinance Number 2004-3448 adopted.** Motion made by Vice-Mayor Gross, seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent Commissioner Garcia. Max Sklar to handle.

Handout and Reference Material:

1. Notice of Ad in The Miami Herald

**11:00:03 a.m.**

R5B An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration"; By Amending Article VI Thereof, Entitled "Procurement"; By Amending Division 3, Entitled "Contract Procedures"; By Amending Section 2-369, Entitled "Award Of Contract"; Said Amendments Respectively: 1) Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And 2) Providing That Prior To Approval Of Said Purchases For Commodities, Materials, Supplies Or Other Items On A Continuing Basis From The Entities, As Set Forth In Section 2-369, The City Manager Shall Prepare, Or Cause To Be Prepared, A Written Analysis Which Shall Include A Statement As To Why It Is In The City's Best Interest To Procure Commodities, Materials, Supplies, Or Other Items On A Continuing Basis Utilizing The Contracts From The Entities Set Forth In Section 2-369; Also Providing For Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Procurement Department & City Attorney's Office)  
(First Reading on May 26, 2004)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3449 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Garcia. Gus Lopez to handle.

Handout and Reference Material:

1. Notice of Ad in The Miami Herald

R5C An Ordinance Amending Chapter 102, Article V, Of The Code Of The City Miami Beach, Florida, Entitled "Occupational License Tax," To Define Adjudicated Violation, To Define Habitual Conduct For Purposes Of Occupational License Denial And/Or Suspension Or Revocation, And Defining Habitual Conduct For Promoters Occupational License Denial And/Or Suspension Or Revocation And Providing For The City Manager's Designee To Undertake A Hearing In The Suspension Or Revocation Process And Providing For Factors To Be Considered In Determining The Length Of A License Suspension; Providing For Codification Repealer, Severability, And An Effective Date. **10:40 a.m. Second Reading, Public Hearing.**

(City Manager's Office)  
(First Reading on April 14, 2004)

**ACTION:** Administratively withdrawn. Lilia Cardillo to place on the July 28 Commission Agenda as a first reading. Robert Middaugh to handle.

**11:24:10 a.m.**

R5D An Ordinance Amending Chapter 62 Of The Miami Beach City Code Entitled "Human Relations"; By Amending Article II Thereof Entitled "Discrimination" By Amending Section 62-31 Entitled "Definitions" By Adding A Definition For "Gender" To Be Utilized In Article II; By Amending Section 62-32 Entitled "Purpose; Declaration Of Policy"; By Amending Section 62-88.1 Entitled "Discrimination In Public Services"; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for July 7, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Handout and Reference Material:

## 1. Notice of Ad in The Miami Herald

**R6 - Commission Committee Reports**

- R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of June 1, 2004: **1)** Discussion Regarding A Proposed Amendment Of Miami Beach Golf Club User Fees; **2)** Discussion On Policy Issues Regarding How The City Deals With Land Rights, And How To Ensure The City Receives Fair Compensation For The Abandonment Of Easements; And **3)** A Resolution Authorizing The Mayor And City Clerk To Approve An Increase To The Community Benefit Fund Surcharge On Tickets Sold At The Jackie Gleason Theater From \$1.00 To \$1.50, And To Reduce The Subsidy Percentage Paid From The Community Benefit Fund On Senior And Student Discounted Tickets From 80% To Approximately 71%.

**ACTION:** Item not reached. Lilia Cardillo to place written report on the July 7 Consent Agenda.

**R7 - Resolutions**

**12:18:09 p.m.**

- R7A A Resolution Amending Resolution No. 2002-24995 Which Established A Maximum Schedule Of User Rates For The Miami Beach Golf Club, To The Rates Delineated In Attachment "A" To This Resolution; Said Rates To Be Effective As Of October 1, 2004.  
(Parks & Recreation)

**ACTION: Resolution No. 2004-25594 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Smith. Kevin Smith to handle.



11:02:11 a.m.

**SUPPLEMENTAL MATERIAL – (Resolution)**

R7B A Resolution Accepting The Certification Of Default By The City Engineer, Pursuant To Article 8.8 (Entitled, "Annulment Of Contract") Of That Certain Contract Entered Into Between The City And Regosa Engineering, Inc. (Contractor), Pursuant To Request For Proposals No. 21-00/01, For Construction Of The Normandy Park Pool Facility (Project) (Contract); Further, Pursuant To Article 8.8 Of The Contract: (1) Taking The Prosecution Of The Work Out Of The Hands Of The Contractor; (2) Authorizing The Appropriation Or Use Of Any Or All Materials And Equipment On The (Project) Ground As May Be Suitable And Acceptable; And (3) Authorizing And Delegating To The City Manager Such Authority As Shall Be Necessary For Him To Enter Into An Agreement For The Completion Of Said Contract, According To The Terms And Provisions Thereof, Or Use Such Other Methods As In His Opinion Shall Deem Advisable For The Completion Of Said Contract In An Acceptable Manner; Further, In Order To Effectuate The Actions To Be Taken In Item (3) Above, Waiving By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Select, Negotiate, And Award Any And All Contracts, Purchase Orders, Change Orders And Other Documents, Including But Not Limited To An Amendment To The City's Existing Contract With The Corradino Group, Inc., The City's Architect/Engineer For The Project, To Provide For Such Additional Services As Necessary To Complete/Administer The Remaining Work On The Project; Provided Further That All Of The Aforestated Contracts, Purchase Orders, Change Orders, Amendments, And Other Documents Shall Be Substantially In Accordance With The Project And The Scope Of The Work Contemplated Within The Current Construction Contract With Contractor, And Shall Not Exceed The Current Amount Appropriated For The Project By The Mayor And City Commission, And Any Such Contracts, Purchase Orders, Change Orders, Amendments, And Other Documents That Exceed Said Appropriated Amount Shall Require The Approval Of The City Commission; Further Authorizing The City Manager Or His Designee To Invoke The Performance Bond Issued By St. Paul Guardian Insurance Company, As A Result Of Contractor's Default Under The Contract.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2004-25595 adopted.** Motion made by Commissioner Smith; seconded by Vice-Mayor Gross; Voice vote: 7-0. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, introduced the item.

Discussion held.

Griselle Aguilera Esq. from the office of Jose Herrera representing Regosa Engineering Inc. spoke.

Handout or Reference Material

1. Email from Draguisa Cure [jgomero@aol.com] to City Clerk, RE: Default Normandy Pool Project, dated Tuesday, June 1, 2004 8:31 AM.

**12:06:40 p.m.**

R7C A Resolution Appropriating \$288,800 From Parking Enterprise Funds To Execute A Contract Change Order With RIC-MAN International, Inc. To Design And Install The New City Approved Poulsen Satellite Light Fixtures As Part Of The Washington Avenue Improvements - Phases 2, 4, And 5 (The Project).

(Capital Improvement Projects)

**ACTION:** Item heard in conjunction with Item RDA-3A.

Motion made by Commissioner Cruz to approve the Acorn Lights; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Vice-Mayor Gross. Tim Hemstreet to handle.

City Clerk's note: Because the acorn lights are already within the present construction budget, no action is needed.

**12:15:13 p.m.**

R7D A Resolution Authorizing The Administration To Enter Into Negotiations, And If Successful, Further Authorizing Renewal With Humana, The City's Current Provider Of Group Medical Insurance For Employees, With A 4.44% Increase For The High HMO & High PPO And No Increase For The POS, Low HMO And Low PPO Plans, For A One-Year Period, Effective On October 1, 2004, For An Estimated Annual Amount Not To Exceed \$14,000,000, With The City's Option To Renew For One Additional Year If The Annual Combined Increase Is Less Than 5%; Authorizing The Administration To Renew With Compbenefits, The City's Current Group Dental Provider For Employees, For A One-Year Period, Effective On October 1, 2004, With No Premium Increase And An Estimated Annual Amount Not To Exceed \$600,000, With The City's Option To Renew For One Additional Year If The Annual Combined Increase Is Less Than 3%; Authorizing The Administration To Renew For The Year 2004-05 With Fringe Benefits Management Company To Administer The City's Flexible Spending Program And For Two Subsequent One Year Periods At The Same Per-Employee Monthly Administrative Fee Of \$4.50, As Provided In The City's Contract With Fringe Benefits Management Company Of October 1, 2003; Authorizing The Administration To Renew For The Year 2004-05 With The Comprehensive Companies, Inc. To Administer The City's Voluntary Benefits Program For Those Plans Offered To Employees At No Cost To The City, And For Subsequent Consecutive One Year Renewal Terms, Unless Otherwise Terminated As Provided In The City's Contract With The Comprehensive Companies, Inc. Of October 1, 2003.

(Human Resources)

**ACTION: Resolution No. 2004-25596 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Smith. Mayra Diaz Buttacavoli to handle.

**12:01:04 p.m.**

R7E A Resolution Approving A Settlement Regarding Liens On Real Property At 928 Pennsylvania Avenue Resulting From (Code Compliance Case No. 53720-PM/Special Master Case No. JC00000460), (Code Compliance Case No. ZV990361/Special Master Case No. JC990485), And (Code Compliance Case No. ZV00001428/Special Master Case No. JC0000459), Owned By Joy Pearlman Trustee, Providing That The Liens In The Amount Of \$305,728.30 Plus Interest Be Settled For The Amount Of \$30,908.25.

(Neighborhood Services)

**ACTION: Resolution No. 2004-25598 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Vivian Guzman to handle. R. Parcher to release the lien when payment has been confirmed.

Commissioner Smith stated that this is a significant reduction and asked Vivian Guzman, Neighborhood Services Director, to explain.

Vivian Guzman, Neighborhood Services Department Director, introduced the item and explained that this is a hardship case. There were also individuals that wanted to take the property away from the owner.

Commissioner Smith requested the Administration to follow up with the Florida Bar UPL Committee to make sure that the individuals are punished for impersonating the homeowner. He also asked if the individual has been prosecuted. **Vivian Guzman to handle.**

Commissioner Steinberg requested that the State's Attorney Office is made aware of this individual. **Vivian Guzman to handle.**

**11:26:35 a.m.**

R7F A Resolution Authorizing \$592,239 In City Of Miami Beach Quality Of Life/Resort Tax Funding From Fiscal Year 2002/2003 (Less Five Percent For Administrative Charges To North Beach Development Corporation) For Improvements In The North Beach Community; And Reallocating \$7,268.83 In Prior Years' Quality Of Life Funding, In The Amounts Of \$6,444.74 From Fiscal Year 00/01; And \$91.38 From Fiscal Year 99/00; And \$732.71 From Fiscal Year 97/98; Providing For A Total Of \$599,508, As Recommended By The City Administration In Appendix A To This Resolution, For The Purpose Of Funding Tourism Oriented Projects In The North Beach Area.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2004-25597 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Max Sklar to handle.

Deborah Ruggiero spoke on behalf of the Team Job Corps.

Mayor Dermer stated that it could be approved with the provision that if additional funds are available they should get it.

Barry Klein, President of North Beach Development Corporation, spoke.

Jerry Libbin spoke on behalf of the North Beach Development Corporation and the Team Job Corps.

Mike Thompson thanked the City Commission and the City Manager for the Team Job Corps and announced that they are working on an expansion to South Beach to take care of the flyers and the litter. He is meeting with the City Manager to start with 20 teams to do Ocean Drive and Washington Avenue.

**10:50:49 a.m.**

**ADDENDUM ITEM:**

R7G A Resolution Authorizing The Mayor And City Clerk To Execute A Release Of An Easement Agreement For Lot 3, Of Block 33, Miami Beach Improvement Company's Ocean Front Subdivision, In Favor Of Crown At Miami Beach, Ltd., Owner Of The Crown Hotel Property, Located At 4041 Collins Avenue; Said Release Subject To And Contingent Upon Crown At Miami Beach, Ltd's. Satisfaction Of The Conditions Set Forth In This Resolution.

(Requested by Commissioner Jose Smith)

**ACTION: Resolution No. 2004-25599 adopted as amended.** Motion made by Commissioner Smith to adopt the resolution as amended; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Fred Beckmann to handle.

**Amendments:**

1. Crown agrees to waive any objections to the future beach walk and release the City from any obligation to build jetties, seawalls, and structures on the applicant's property
2. Waive any objections to the future beach walk

Commissioner Smith introduced the item and explained why this should be approved. He also stated that there should be a provision that the Crown agrees to waive any objections to the future beach walk and release the City from any obligation to build jetties, seawalls, and structures on the applicant's property.

Mayor Dermer commended Commissioner Smith for bringing this issue forward. He also has taken another look at this matter. He stated that the last time this came before the Commission there was a lack of information. He thought that if the easement were vacated the FAR would increase on the property. He also did not realize that the plans had already been through Board review approvals. He suggested to the City staff that if there is an issue and the staff believes the Commission may need more information, let the Commission know; staff should not be intimidated by the Commission.

Wayne Pathman, Esq. for the Crown Hotel property, stated that they are in agreement with releasing the City from any obligation to maintain any type of erosion control device in the easement area and in addition they have agreed to waive any objections to the future beach walk.

**Handout or Reference Materials**

1. Folder titled Crown at Miami Beach, LTD, 4041 Collins Avenue, Miami Beach, Florida, Meeting Date: June 9, 2004, City of Miami Beach City Commission Meeting.

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

**ACTION:****Committee for Quality Education in MB:**

Linda Grosz Representative of the PTA from Nautilus Middle School- 6/30/05  
Rosalie Rosenberg Representative of the PTA from Miami Beach Senior High School 6/30/05

**Debarment Committee:**

Francis Trullenque Term expires 12/31/05 Appointed by Commissioner Cruz TL 12/11

**Marine Authority:**

Theodore Shapiro Term expires 12/31/05 Appointed by Commissioner Cruz TL 12/11

**Miami Beach Committee on the Status of Women:**

Judith Kaplan Term expires 12/31/04 Appointed by Commissioner Gross TL 12/11

**11:38:24 a.m.**

R9A1 Appointment Of Two (2) Citizens At-Large To The Board Of Adjustment.  
(City Clerk's Office)  
(Deferred from May 26, 2004)

**ACTION:** After four (4) ballots: Tony Rodriguez and Roberto Sanchez, Jr. were appointed.

Jason Loeb, Chairman of the Board of Adjustment, spoke.

Handout or Reference Materials:

1. Four (4) sets of ballots

City Clerk's Cross-reference: See LTC 137-2004

R9A2 Nominate Carl Linder To The Board Of Adjustment.  
(Requested by Commissioner Luis R. Garcia, Jr.)  
(Deferred from May 26, 2004)

**ACTION:** See item R9A1.

**11:54:43 a.m.**

R9A3 Nominate Abraham Galbut To The Health Advisory Board.  
(Requested by Commissioner Simon Cruz)  
(Deferred from May 26, 2004)

**ACTION:** Mr. Abraham Galbut was appointed without objection. The City Clerk's Office to review the lobbying laws with Mr. Galbut. R. Parcher to handle.

Commissioner Smith stated that Mr. Galbut was lobbying before the Historic Preservation Board in relation to his Hebrew Home.

Mayor Dermer suggested that Mr. Galbut be contacted to make sure that this appointment is not in conflict with him lobbying.

R9A4 Appointment Of One (1) Citizen To The Planning Board.  
(City Clerk's Office)

**ACTION:** Marlo Courtney was appointed via a ballot vote.

Handout or Reference Materials:

1. One (1) set of ballots
2. Handwritten note, faxed, dated June 9, 2004, to Robert Parcher, from Frank Del Vecchio, RE: withdrawal as applicant for the Planning Board

**11:58:42 a.m.**

**New Item**

Vice-Mayor Gross nominated Diego Lowenstein to the Visitor & Convention Authority Board.

**ACTION:** Mr. Diego Lowenstein was appointed without objection.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:** Not reached.

Handout or Reference Materials:

1. Handwritten note from Daniel Colton

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:** Not reached.

Handout or Reference Materials:

1. Handwritten note from Daniel Colton

**3:02:11 p.m.**

R9C Discussion Regarding The Following Sister Cities Resolutions:

1. A Resolution Extending An Invitation To The City Of Nahariya, Israel, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Nahariya, Israel.

**ACTION:** Discussion held. **Resolution No. 2004-25600 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz.

Mayor Dermer recognized Mayor Ron Frumer and Vice-Mayor Oshlish Sharoosh of the City of Nahariya, Israel.

Bruce Singer, of the Miami Beach Florida Sisters Cities Program, introduced other members of the Miami Beach Florida Sister Cities.

Steve Polisar, who made the recommendation to designate Nahariya, Israel to the Miami Beach Sisters Cities, spoke.

Mattie Cohen, Deputy Council General representing Israel in Miami, spoke.

Ron Frumer, Mayor of Nahariya, Israel, spoke.

Handout or reference materials:

1. Mayor Ron Frumer, Biography, Municipality of Nahariya Israel.

2. A Resolution Extending An Invitation To The City Of Fortaleza, Brazil, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Fortaleza, Brazil.

**ACTION:** Item not reached.

3. A Resolution Relating To Ramat Gan, Israel, Established As A Sister City On July 21, 1971 By Resolution No. 13322; Determining That The Purposes Of Said Resolution No Longer Exist; Terminating Said Relationship And Repealing Resolution No. 13322.

(Requested by Mayor David Dermer)

(Deferred from May 26, 2004)

**ACTION:** Item not reached.

**12:33:07 p.m.**

R9D Discussion Regarding Status Of The Examination Of Concurrency Policies In The City Of Miami Beach.

(Requested by Commissioner Richard Steinberg)  
(Deferred from May 26, 2004)

**ACTION:** Discussion held.

Commissioner Steinberg is concerned with the status of Concurrency issues, especially major projects and credits from the Electrowave. Since the Ad Hoc Committee was put into place a year and a half ago, there has not been one recommendation to address these problems. He asked the Administration what steps will be taken to move this issue forward as expeditiously as possible.

Jorge Gonzalez, City Manager, explained the four key aspects that were identified since the last Commission Meeting:

- 1) A request of the South Florida Planning Council to conduct a Regional Impact Analysis of the development that is taking place and how that affects the City and what can be done to mitigate those. This request has been made.
- 2) The issue of conducting a transportation massive plan for the City internally was discussed, and the Commission did not want to pursue a consultant to address that issue. The Traffic Management position is vacant, it has been restructured as part of the Concurrency split to the Planning Department and we are actively recruiting.
- 3) The Planning Department is working on the use of vehicles in lieu of concurrency as it relates to major projects initiatives. The staffing is a critical issue and the Planning Department will include in their budget request appropriate level of staffing necessary to make this a full-time responsibility so they can move forward.
- 4) Concurrency credits with regards to the Electrowave. Staff is looking for a more appropriate type of calculation. At the same time, the Public Works Department is working closely with the Miami-Dade Transit Authority to discuss the potential merge of the Electrowave and the W route. The intent is to have the County overtake and manage the project, in turn; the additional concurrency credit from the Electrowave will probably go away since the City is getting a mass transit credit through the Miami-Dade Transit Authority.

Jorge Gomez, Planning Director, spoke.

Vice-Mayor Gross stated that the Commission could set different rates on the concurrency payment via resolution, which is based on a per trip charge. It was his understanding that the Planning Board started studying this and done some research. He suggested to having a Planning Workshop where everyone can attend to come up with polices for handling the major projects.

Commissioner Bower stated that the complaint she has heard is that the City is collecting fees for concurrency and the City cannot do anything about it. Raising the fees is not accomplishing our objective.

Vice-Mayor Gross suggested a major projects review and a growth management tool in place, allowing a certain number of units to be built per year.

Jorge Gomez, Planning Department Director, explained that the way the process work is first to complete the evaluation of the Comprehensive Plan and begin to suggest the amendments, which will take up until the end of the year, then the amendment process begins, which is an involved



process.

City Clerk's Cross-reference: See LTC 082-2004

- R9E The Committee Of The Whole Will Meet During The Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2004/05 Proposed Operating Budget Request For The Office Of Mayor And City Commission.  
(Budget & Performance Improvement)

**ACTION:** The meeting was called to order at 1:36 p.m.

Jorge Gonzalez, City Manager, gave an update on the budget process and the projected revenues and expenditures as of June 9, 2004.

There was discussion regarding the millage for maintenance concept and it was suggested to wait until the equipment maintenance analysis is finalized. The analysis should identify what maintenance is being considered. **Fred Beckmann to handle.**

It was stated that the millage for maintenance is a stop-gap measure and that the Administration should look for a long-term funding solution. **Kathie Brooks and Jose Cruz to handle.**

The Administration was requested to transmit a copy of the MS Word template to create proclamations to the Mayor and Commissioners. **R. Parcher to handle.**

Vice-Mayor Gross requested to keep his aide position, but to only fund it for half of the year.

Motion made by Commissioner Cruz to increase the expense account for the Mayor and Commissioners. Commissioners from \$1,100 a month to \$1,500 a month. Mayor from \$1,500 a month to \$2,000 a month; seconded by Commissioner Smith; voice vote: 5-2; Opposed: Vice-Mayor Gross and Commissioner Steinberg. **Jose Cruz to handle.**

Jorge Gonzalez, City Manager, introduced Ms. Kathie Brooks as the new Director of the Office of Budget and Performance Improvements. Lilia Cardillo to place a consenting to the appointment item on the July 7 Agenda. **Ramiro Inguanzo to handle.**

Commissioner Garcia complemented the City Manager for creating and hiring a director for this position.

Meeting of the Committee of the Whole adjourned at 2:14 p.m.

#### Handout or Reference Materials

1. LTC 141-2004 Committee of the Whole Meeting – attached Office of the Mayor and City Commission FY 04/05 Budget Request
2. Document distributed at the Committee of the Whole meeting titled, General Fund Major Adjustments thru June 9, 2004
3. Document titled: Office of the Mayor & City Commission FY 04/05 Budget Request

**12:56:10 p.m.**

R9F Discussion Regarding The Current Status Of The Island Gardens Project Proposed On Watson Island.

(City Manager's Office)

**ACTION:** Discussion held.

Christina Cuervo identified the next three steps in the process of the Watson Island Project and they are: 1) the Major Use Special Permit Application before the City of Miami, 2) the Notice of Proposed Change/DRI Development Order being reviewed by the City of Miami with recommendations from the Department of Community Affairs and by the South Florida Regional Planning Council. A hearing has been set for June 24, 2004 at the City of Miami to amend the Development Order for this proposed change and 3) the deed restriction and the waiver of deed restriction that is going before the Florida Cabinet which will be heard on June 24, 2004. She stated that there is a meeting on June 16, 2004 with the aides of the Cabinet members which is very important. She stated that at this point the City Administration submitted their comments and the comments were accepted by the Department of Community Affairs and the South Florida Regional Planning Council. She explained that if the City wants to take further action, they need to be present and have a policy direction on the City's position on these items.

Gary Held, First Assistant City Attorney, stated that the Miami City Commission will be considering the Major Use Special Permit and a Development Order to amend the DRI at the June 24, 2004 City Commission meeting. He explained that if the City wants to challenge a decision on these items, it needs to be present at the City Commission meeting and present its case as it relates to the mitigation of roadway impacts. In order to do that, the city needs to be able to rebut the transportation evidence being presented by the Miami's transportation consultant. He stated that there are three ways to challenge decisions by the City of Miami Commission. The Florida Statutes state that only the property owner, the local government (in this case the City of Miami), or DCA have a right to appeal; 1) the City, under Section 163.3215, has the right of the third party to challenge through actions in Circuit Court inconsistencies with the Comprehensive Plan of the City of Miami. 2) The alternative is to convince DCA to appeal on the City of Miami Beach's behalf. 3) The City of Miami Beach can appeal the Major Use Special Permit Application to the Appellate Division of the Circuit Court. The City's other objection would be to the Governor and the Cabinet to ask them not to release the deed restrictions on the property or release it with certain conditions.

Commissioner Smith stated that there is a covenant that the property can only be used for public use.

Gary Held, First Assistant City Attorney, summarized that at the City Commission level, the City of Miami will be approving a Major Use Special Permit and the City of Miami Beach has a right to appeal from the Appellate Division of the Circuit Court. The City of Miami will also be taking action on the Development Order amending the DRI and the City of Miami Beach has the right to challenge that in Circuit Court by filing a complaint and also the City of Miami Beach can convince the Department of Community Affairs to appeal on the City of Miami Beach's behalf if they agree with the position that this should be treated as a substantial deviation which needs further review.

Motion made by Commissioner Bower to move all three options. No second offered. Discussion continued.

Jorge Gonzalez, City Manager, stated that the Administration needs direction from the City Commission in order to make a statement at the City of Miami's Commission meeting and asked if any of the Commissioners would like to attend this meeting.

Mayor Dermer asked if the City could get a continuance on this.

Jorge Gonzalez, City Manager, stated that subject to the City Attorney's approval the City can hire outside counsel to represent the City on both issues, also the State Lobbyist in Tallahassee can work on the City's behalf.

Vice-Mayor Gross stated that Murray Dubbin, City Attorney, liked the idea of hiring Al Cardenas to represent the City at the State.

Jorge Gonzalez, City Manager, stated that the Administration will work with the Legal Department regarding representation.

Mayor Dermer stated that the City of Miami Beach is not against development in Watson Island, but wants rational development that will not tax the causeway.

Gary Held, First Assistant City Attorney, stated that hiring outside counsel is better than having a City employee challenge the development order from another city.

Commissioner Cruz stated that the traffic will affect the City of Miami Beach and it is morally correct to include the City because of the severe impact that it will receive. He stated that every avenue should be explored, both local and at the State level. He requested from the Administration to engage the City of Miami at every level, and encouraged the Commissioners to engage in conversation with the City of Miami. Once they have been advised they will not be taken by surprise if the City of Miami Beach takes it to the next level. He requested the City Manager to send official written notification to the City Manager of the City of Miami and put them on notice. **Christina Cuervo to handle.**

Gary Held, First Assistant City Attorney, suggested that the City of Miami Beach asks the City of Miami to continue this item on the City Commission meeting of June 24, and also ask the applicant to make a presentation to the City of Miami Beach Commission on the proposed project. Mayor Dermer agreed. **Christina Cuervo to handle.**

Jorge Gonzalez, City Manager, requested that the Commissioners advise him if any of them would like to attend these meetings.

Mayor Dermer stated that Commissioner Steinberg will represent the City of Miami Beach if necessary.

Commissioner Bower suggested instructing the Legal Department to hire outside counsel to represent the City in Tallahassee.

Jorge Gonzalez, City Manager, stated that this is the decision of the City Attorney's Office. He added that an outside attorney can speak on the City's behalf with the City of Miami that would be inappropriate for him as the City Manager to oppose a project.

Motion made by Commissioner Bower instructing the Administration to do whatever is needed to mitigate the situation in Watson Island; seconded by Commissioner Smith; Voice vote: 7-0.

Commissioner Smith stated that he agrees except for litigation. He would not want the City Attorney's office suing the City of Miami and that the Administration should come back to the City Commission for approval on any action before it is taken.

Mayor Dermer requested to engage Representative Gus Barreiro, also Senator Gwen Margolis, and let them know how much the City opposes it,

Commissioner Smith suggested contacting Dan Gelber.

City Clerk's cross-reference:

1. See LTC 139-2004 Island Gardens / Watson Island – Notification of proposed change
2. Letter from Charles Gauthier, Chief, Office of Comprehensive Planning, State of Florida Department of Community Affairs dated May 28, 2004, to Ms. Lourdes Y. Slazyk, City of Miami Planning and Zoning Department
3. Letter from Carolyn Dekle, Executive Director South Florida Regional Planning Council, dated May 28, 2004, to Mr. Dickson Ezeala, Florida Department of Community Affairs
4. Letter from Ed Cronyn, Senior Supervising Environmental Analyst, National Resources Management Division, South Florida Water Management District, dated May 21, 2004, to Mr. Lofgren
5. Cross-reference-names: Alyce M. Robertson, Assistant Director, Environmental Resources Management; Karen McGuire, FDOT; Miranda Blogg, Kittelson & Associates, Inc.; Judith A. Burke, Shutts & Bowen, LLP; Dana Nottingham, Executive Director, DDA Miami

**12:19:32 p.m.**

R9G Discussion Regarding The Four City Of Miami Beach Appointments To The Bay Link Advisory Committee.

(City Manager's Office)

**ACTION:** Commissioner Smith stated that because there are planning issue involved, perhaps a member of the Planning Board should be appointed.

By acclamation of the City Commission, the Chair of the Planning Board or his/her designee is appointed. **Jorge Gomez to notify the chair.**

City Clerk's Note: Present members are Commissioners Bower and Garcia, and the chairperson of the Transportation and Parking Committee or his/her designee.

**R10 - City Attorney Reports****R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

City Of Miami Beach V. Miami-Dade County, Micky Biss And USA Express, Inc. 11th Jud. Circuit Court, Appellate Division, Case No. 03-682 AP

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner And Gary Held.

**ACTION:** Announced and held.

**R10B Notice Of Closed Executive Session.**

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussions Relative To Communications Workers Of America (CWA).

(City Manager's Office)

**ACTION:** Announced and held.

**ADDENDUM ITEM:****R10C Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

Da Mortgage, Inc., A Florida Corporation; 136 Collins Avenue, L.C.; A Florida Corporation Vs. City Of Miami Beach, A Florida Municipal Corporation; And Miami-Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV-Martinez/Dube

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Gary Held And Assistant City Attorney Roberto Datorre.

**ACTION:** Announced and held.

**ADDENDUM ITEM:****R10D Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, And First Assistant City Attorney Gary Held.

**ACTION:** Announced and held.

**Reports and Informational Items****A City Attorney's Status Report.**

(City Attorney's Office)

**ACTION: Written report submitted.**

**B Parking Status Report.**

(Parking Department)

**ACTION: Written report submitted.**

**12:30:57 a.m.**

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION: Written report submitted.** Discussion held.

Commissioner Garcia requested a verbal report from CIP.

Tim Hemstreet, Capital Improvement Projects Director, gave an oral status report. He added that construction should be completed by the fall of 2005.

**12:20:29 p.m.**

- D Status Report On The Rehabilitation Project Of Fire Station No. 4.  
(Capital Improvement Projects)

**ACTION: Written report submitted.** Discussed held. Jorge Gonzalez, City Manager, recommended providing a report to Commissioner Garcia on the status of Fire Station No. 4 after the Building Department and CIP meet June 10<sup>th</sup>. **Tim Hemstreet to prepare an LTC.**

Commissioner Garcia requested a verbal report from CIP and Planning Department.

Tim Hemstreet, Capital Improvement Projects Director, gave an oral status report.

Jorge Gomez, Planning Director, spoke.

Commissioner Steinberg explained that after having read through the staff recommendation of the Historic Preservation Board and after the City Commission made the determination on the demolition, the staff report includes language such as "although staff does not agree with that." It is not appropriate for staff to chastise the Commission by disagreeing on an issue, once this body has made a determination.

Jorge Gonzalez, City Manager, stated that he will read the report and will look into that.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
June 9, 2004**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of April 2004.

**ACTION: Written report submitted.**

**12:06:40 p.m.**

3. NEW BUSINESS

- A A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Appropriating Funds In An Amount Not To Exceed \$31,800 From South Pointe Redevelopment Area Tax Increment Funds And In An Amount Not To Exceed \$66,400 From City Center Redevelopment Area Tax Increment Funds, To Execute A Contract Change Order With RIC-MAN International, Inc. To Design And Install The New City Approved Poulsen Satellite Light Fixtures As Part Of The Washington Avenue Improvements - Phases 2, 3 And 5 (The Project).

**ACTION:** Heard in conjunction with item R7C.

Because the acorn lights are already within the present construction budget the appropriation is no longer necessary.

**End of RDA Agenda**

**Meeting adjourned at 3:15:44 p.m.**